



Republic of the Philippines

*SANDIGANBAYAN*

Quezon City

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**THIRD DIVISION**

**PEOPLE OF THE PHILIPPINES,**  
*Plaintiff,*

- *versus* -

**SB- 17-CRM-2202 to 2395**

*For 2202 to 2298: Violation of  
Section 3 (e) R.A. No. 3019 and  
Malversation of Public Funds  
Through Falsification of Public  
Documents*

**ROLANDO AUREO GUTIERREZ  
ANDAYA, JR. ETAL.,**

*Accused.*

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*Present:*


**CABOTAJE-TANG, A., PJ**

*Chairperson*

**FERNANDEZ, B., J**

**FERNANDEZ, S.J.\*, J**

**Promulgated on:**

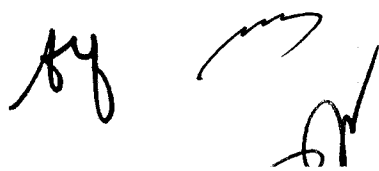
JULY 5, 2018 

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**R E S O L U T I O N**

**FERNANDEZ B., J.**

Before this Court is a Third Motion dated May 28, 2018 filed by accused-movant Ruby C. Tuason, through counsel, seeking permission to allow her to travel to Singapore from July 1 to 16, 2018 for medical reasons.



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Attached to the subject Third Motion is a sworn Certification dated May 24, 2018 issued by Dr. Ma. Dominga B. Padilla, the attending physician of the accused-movant. She indicated that the corneal edema of the accused-movant has increased significantly since she last saw her and it is no longer possible to do an endothelial cell count on her right eye. She added that the accused-movant needs to undergo an endothelial keratoplasty (DSAEK or DMEK) soonest if the accused-movant hopes to still be able to have the procedures. Hence, Dr. Padilla strongly recommends that the DMEK procedure be performed in Singapore specifically by one Dr. Donald Tan, given the shortage of corneal tissue in the Philippines.

When given time, the prosecution, in its Opposition dated June 1, 2018, principally alleged that there is nothing in the Certification which states that her (accused-movant) eye condition will become irreversible if she does not have the surgery within the next two months. The prosecution adds that if her (accused-movant) intended consultation with Dr. Tan on July 2 - 4, 2018 results in a finding that her eye condition is found eligible for DMEK surgery, there is no assurance that she can have the surgery on July 5 - 6, 2018, proceed for follow-up examinations on July 8 - 15, 2018 then return to the Philippines on July 16, 2018.

Although the subject Third Motion was initially submitted for resolution (Order, June 4, 2018), this Court opted to further clarify certain matters relative to the sworn Certification of Dr. Padilla. Hence, she was ordered to appear before this Court on June 8, 2018, which was eventually reset to June 25, 2018.

During the June 25, 2018 clarificatory hearing, Dr. Padilla substantially explained the declarations she made in her sworn certification dated May 24, 2018. She likewise described the fundamentals of the three (3) available corneal transplants including the DMEK and DSAEK procedures. Dr. Padilla also reiterated her diagnosis on the accused-movant.

This Court has to seek a viable balance between the physical condition of the accused-movant as well as the urgency of the same and the inherent power of the Court to preserve and maintain the effectiveness of its jurisdiction over her person by making her available whenever necessary. The balance must

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also take into consideration the pending cases filed against the accused-movant and their gravity.

After evaluating the circumstances surrounding the subject Third Motion, We find that this balance must tilt in favor of preserving the jurisdiction of this Court over the person of the accused-movant which may be prejudiced if she is allowed to travel abroad.

Further, We noted distinctly the testimony of Dr. Padilla that the three (3) options given to the accused-movant are individually effective in light of her present eye condition. Hence, the accused-movant can undergo the DSAEK procedure option even in the Philippines, where our doctors are already expertly trained to perform the same. Although the possible cornea to be transplanted may not be immediately available, the eye condition of the accused-movant has not attained a life-threatening state, thus, not urgent.

**WHEREFORE**, premises considered, the Third Motion For Allow Departure Order dated May 28, 2018 of accused-movant Ruby C. Tuason is hereby **DENIED** for lack of merit.

**SO ORDERED.**




**BERNELITO R. FERNANDEZ**  
*Associate Justice*

We concur:



**AMPARO M. CABOTAJE-TANG**  
*Presiding Justice/Chairperson*



**SARAH JANE T. FERNANDEZ\***  
*Associate Justice*